IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 3778 of 2007(Y)

PETITIONER:

PROF. T.SOBHENDRAN,
CHAIRMAN, POONOOR PUZHA SAMRAKSHANA SAMITHY,
THAYILAPPARAMBU, MUTTOLI P.O., KAKKODI, CALICUT.

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:
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1. BHARATH PETROLEUM CORPORATION LTD.(BPCL)
KANNUR TERRITORY, THAVAKKARA ROAD,KANNUR DISTRICT,
REPRESENTED BY ITS TERRITORY MANAGER (RETAIL).

2. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, KOZHIKODE.

3. ARUNKUMAR, S/O.P.V.PADMANABHAN NAMBIAR,
MOHALAYAM, P.O. MAKKADA, KOZHIKODE.

4. P.V. PADMANABHAN NAMBIAR,
MOHALAYAM, P.O. MAKKADA, KOZHIKODE.

5. CORPORATION OF CALICUT,
CALICUT REPRESENTED BY ITS SECRETARY.

6. CALICUT DEVELOPMENT AUTHORITY,
JAIPRAKASH NARAYAN ROAD, NEAR RAILWAY STATION,
KOZHIKODE-2.

7. KAKKODY GRAMA PANCHAYATH,
KOZHIKODE, REPRESENTED BY ITS SECREARY.

BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007 ALONG WITH W.P.(C).3029/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NOS.3778 & 3029 OF 2007 ()

Dated this the 6th day of February, 2007

J U D G M E N T

KOSHY,J.

W.P.(C).No.3029/2007 is filed for police protection for commissioning the petroleum retail outlet of Bharat Petroleum Corporation Limited as per Ext.P4 NOC. W.P.(C).No.3778/2007 is filed for stopping the commissioning of the above. It is submitted that civil court has passed an order of injunction for constructing the petrol pump and it is for the civil court to pass orders according to law after considering the merits of the case and this Court will not make any observations in a pending civil case. It is also submitted by the petitioners in W.P.(C). No.3029/2007 that if there is any prohibitory orders issued by the statutory authorities or civil court they will obey the same. Before vacating the order of injunction now passed they will not make any constructions. Petitioner in W.P.(C).No.3778/2007 also submit that they will not take law into their hands. If any

of their rights are affected, it is for them to approach the statutory authorities or civil court. If there is no prohibition from civil court or statutory authorities petitioners can commission the pump and if illegal obstruction is there at that time, police shall give adequate protection. With the above observations both these petitions are disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007